

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRET LAWRENCE SWORTZEL,

Plaintiff,

v.

EATON, *et al.*,

Defendants.

No. 1:21-cv-00735-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION, WITHOUT PREJUDICE, FOR
FAILURE TO OBEY A COURT ORDER
AND FAILURE TO PROSECUTE

(Doc. No. 8)

Plaintiff Bret Lawrence Swortzel is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 10, 2021, the assigned magistrate judge issued an order for plaintiff to show cause why this action should not be dismissed, without prejudice, for failure to exhaust prior to filing suit. (Doc. No. 6.) Plaintiff did not respond to the court's order to show cause or otherwise communicate with the court.

Accordingly, on September 22, 2021, the magistrate judge issued findings and recommendations recommending dismissal of this action, without prejudice, for failure to obey a court order and failure to prosecute. (Doc. No. 8.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within

1 fourteen days after service. (*Id.* at 3–4.) No objections have been filed, and the deadline to do so
2 has now passed.

3 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
4 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
5 magistrate judge’s findings and recommendations are supported by the record and by proper
6 analysis.

7 Accordingly,

- 8 1. The findings and recommendations issued on September 22, 2021, (Doc. No. 8),
9 are adopted in full;
- 10 2. This action is dismissed, without prejudice, due to plaintiff’s failure to obey a
11 court order and failure to prosecute; and
- 12 3. The Clerk of the Court is directed to assign a district judge to this case for the
13 purpose of closing the case and then to close this case.

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15 IT IS SO ORDERED.

16 Dated: **October 26, 2021**

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19 UNITED STATES DISTRICT JUDGE
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